[Lemon Reg. 722]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.829 *Lemon Regulation 722*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 15, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 19, 1958, and ending at 12:01 a. m., p. s. t., January 26, 1958, are hereby fixed as follows:

(i) District 1: 32,550 cartons;

(ii) District 2: 181,350 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 16, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-457; Filed, Jan. 17, 1958; 9:25 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-228]

PART 241—REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

SUSPENSION OF PROVISIONS REGULATING SELF-INSURANCE ACCOUNTING OF CERTIFICATED AIR CARRIERS; SPECIAL ECONOMIC REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of January 1958.

The Uniform System of Accounts and Reports, effective January 1, 1957, in effect permits the annual accrual of self-insurance provisions through operating expense charges but requires that any difference between such accruals and actual uninsured losses in each annual period remaining in a special clearing account at the close of the year be credited or charged to income as a non-operating item. Under this prescribed practice reserves for self-insurance essentially represent, and are classified as, appropriations of retained earnings.

The prescribed practice rests upon the premise that self-insurance reserves as at any balance sheet date represent neither liabilities nor dissipation of assets and thus in conformance with the basic theory underlying all accounting, are properly classified as retained earnings and are not appropriately provided for through charges against income.

The suggestion has been made, however, that the self-insurance accounting practices prescribed in the Uniform System of Accounts and Reports are based upon a liquidating rather than a going concern concept regardless of the fact that general accounting practices are substantively cast primarily in the latter frame of reference. Moreover, it is not an uncommon practice in other regulated and unregulated industries to accrue, through income charges, reasonable provisions for uninsured losses.

One objective of the Uniform System of Accounts and Reports is to conform with the principle that all accounting transactions must fall within one of the only three basic asset, liability or net worth elements of the central accounting formula. At the same time, the Board does not intend to prohibit the accrual of estimated liabilities of sufficiently recurrent measurable incidence as would justify recognition in the determination of current income.

In view of the foregoing it is found to be in the public interest to defer temporarily the self-insurance accounting provisions of Part 241 until further consideration can be given to a possible conflict between the broad accounting principles on which the regulations are based and the particular practices prescribed for self-insurance accounting in light of the characteristics of this industry.

Since this regulation will serve to liberalize the present provisions of Part 241 and will not subject any person to any burden, the Board finds that notice and public procedure thereon are unnecessary and not required by the public interest.

In consideration of the foregoing the Civil Aeronautics Board hereby suspends the effectiveness of Part 241 of the Economic Regulations (14 CFR Part 241), insofar, and only insofar, as it requires the transfer to profit and loss account 80 Over or Under Self-Insurance Accruals of any balance in account 2350 Self Insurance Accruals-Clearing, at the close of each year, until the further order of the Board. This suspension shall be effective retroactively to January 1, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply Sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-417; Filed, Jan. 17, 1958; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54517]

PART 3—DOCUMENTATION OF VESSELS

ENDORSEMENT OF NAMES OF MASTERS AND INSPECTION OF MARINE DOCUMENTS

Section 1 of the act of August 30, 1957 (Public Law 85-237, 85th Cong., 71 Stat. 517, 518; T. D. 54450) extends to certain vessels engaged in towing on inland waters of the United States privileges in endorsements of the names of persons as masters similar to those afforded to certain vessels navigating solely within a harbor and to some barges, scows, and other unrigged vessels not required by law to have certificates of inspection on board. Section 3.24 of the Customs Regulations is, therefore, amended by deleting the parenthetical matter at the end of paragraph (f) and by adding a new paragraph (g) to read as follows:

(g) The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any vessel engaged in towing from any port or place embraced within the coastwise laws of the United States to any other such port or place plying in whole or in part

on inland rivers, canals, waterways, sounds, gulfs, lakes, and harbors, not carrying passengers nor proceeding directly or indirectly to any foreign port or place or to any port or place in noncontiguous territory of the United States, although the person whose name is so endorsed may not be actually employed on that vessel. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels. (Sec. 486, 46 Stat. 725, as amended, R. S. 4171, as amended, 4335, as amended; 19 U. S. C. 1486, 46 U. S. C. 40, 276.)

Section 2 of that act further amends section 4336 of the Revised Statutes of the United States (46 U. S. C. 277) to add, as an alternative to the present penalty against the master only, a penalty against the person in charge or command of the vessel for failure to exhibit the vessel document when required by an enforcement officer. In order to make it clear that a vessel master or other person in charge may not avoid this responsibility by leaving the document on deposit with a collector of customs, § 3.50 of the Customs Regulations is amended to read as follows:

§ 3.50 *Inspection of marine documents.* Whenever a vessel of the United States is in commission, its marine document shall be on board, shall be accessible to the master or other person in charge or command, and shall be produced to any customs officer upon demand," except when the document is in the custody of the collector for some required official purpose, or except in the case of a vessel within the purview of § 3.24 (e) and (f). (R. S. 4336, as amended; 46 U. S. C. 277.)

Footnote 37 is amended to read as follows:

[37] "Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master or other person in charge or command of any such vessel shall not exhibit the same, when required by such officer, unless the vessel is one which by regulation of the Secretary of the Treasury is not required to have its register or enrollment or license or document in lieu thereof on board, such master or person in charge or command shall be liable to a penalty of $100, unless the failure to do so is willful, in which case he shall be liable to a penalty of $1,000 and to a fine of not more than $1,000 or imprisonment for not more than one year, or both." (46 U. S. C. 277.)

(R. S. 161, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2. Interpret or apply R. S. 4335, as amended, 4336, as amended; 46 U. S. C. 276, 277)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: January 13, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-399; Filed, Jan. 17, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

TETRACYCLINE-TRIACETYLOLEANDOMYCIN; MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of chlortetracycline- and tetracycline- containing drugs (21 CFR Parts 141c, 146c; 21 CFR, 1956 Supp., 22 F. R. 759, 1037, 3111) are amended as indicated below:

1. Section 141c.231 is amended in the following respects:

a. The section headnote is changed to read: "§ 141c.231 *Capsules tetracycline and oleandomycin phosphate; capsules tetracycline and triacetyloleandomycin; capsules tetracycline hydrochloride and oleandomycin phosphate; capsules tetracycline hydrochloride and triacetyloleandomycin.*"

b. In paragraph (a) *Potency,* the headnote of subparagraph (1) is changed to read: "(1) *Tetracycline or tetracycline hydrochloride content by turbidimetric assay.*"

c. Paragraph (a) (1) (v) is changed to read as follows:

(v) *Estimation of potency.* Plot the average values for each concentration of the standard on arithmetic graph paper with absorbance values on the ordinate and tetracycline or tetracycline hydrochloride concentrations on the abscissa. Construct the best straightline through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where

L = absorbance value for the lowest concentration of the standard curve.
H = absorbance value for the highest concentration of the standard curve.
a, b, c, d, e = average absorbance values for each concentration of the standard curve.

Plot the values obtained for L and H and connect the points with a straight line. Average the absorbance values for the sample and read the tetracycline or tetracycline hydrochloride concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the tetracycline or tetracycline hydrochloride content of the sample. Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

d. Paragraph (a) (2) is changed to read as follows:

(2) *Oleandomycin content.* (i) If oleandomycin phosphate is used, proceed as directed in paragraph (c) (1) of this section, except prepare the sample as follows: Dissolve the contents of a representative number of capsules in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a stock solution of convenient concentration. Further dilute with 0.1 *M* potassium phosphate buffer (pH 8.0) to obtain a final concentration of 5.0 μg. of oleandomycin activity per milliliter (estimated).

(ii) If triacetyloleandomycin is used, proceed as follows: Dissolve the contents of a representative number of capsules in chloroform to give a stock solution of 1.0 milligram of oleandomycin activity per milliliter. Transfer 30 milliliters of the chloroform solution to a glass-stoppered test tube (200 millimeters x 22 millimeters) and add 20 milliliters of 1 *N* sodium hydroxide. Shake for 1 minute and centrifuge briefly to aid in the separation of the layers. With the aid of a syringe and needle, remove and discard the aqueous layer. Repeat the washing procedure with two more 20-milliliter portions of 1 *N* sodium hydroxide solution. Filter the chloroform layer through a pledget of cotton. Dilute an aliquot of this solution with chloroform to give a solution containing approximately 25 μg. of oleandomycin per milliliter. Transfer a 5.0 milliliter aliquot to a 40 milliliter glass-stoppered centrifuge tube, dilute to 20 milliliters with chloroform, and determine the oleandomycin content as directed in paragraph (d) (1) (i) of this section.

Its content of oleandomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

e. The headnote of paragraph (c) is amended to read as follows: "(c) *Oleandomycin phosphate used in making the capsules.*"

f. Section 141c.231 is further amended by adding a new paragraph (d) reading as follows:

(d) *Triacetyloleandomycin used in making the capsules*—(1) *Potency*—(i) *Chemical method*—(a) *Reagents and equipment.* (*1*) Methyl orange reagent: Shake 0.5 *M* boric acid solution for about 12 hours (to insure saturation) with an excess of methyl orange indicator. An alternative method is to heat the mixture to about 50° C. and shake for about an hour. Then allow to cool. Filter the saturated dye solution and wash three times with chloroform. Store the dye solution over chloroform.

(*2*) Acid-alcohol solution: Add 2 milliliters of concentrated sulfuric acid to 98 milliliters of absolute methyl alcohol.

(3) Glycerin: Reagent grade.

(4) Centrifuge tubes: 40 milliliters, glass-stoppered.

(b) *Procedure.* Prepare a chloroform solution containing 50.0 milligrams activity of standard oleandomycin base in 200 milliliters of solution. Transfer 10.0 milliliters of the solution to a 100-milliliter volumetric flask and dilute to volume with chloroform. Transfer 2.0, 4.0, 6.0, and 8.0 milliliters of this solution to glass-stoppered centrifuge tubes (40-milliliter size) and dilute to a total volume of 20.0 milliliters each with chloroform. To the 20.0 milliliters of the solution present in each (40-milliliter size) centrifuge tube add 0.2 milliliter of glacial acetic acid, 0.20 milliliter of glycerin, and 0.40 milliliter of methyl orange reagent. Shake for 5 minutes and centrifuge for 3 minutes. Immediately transfer to another tube a 10.0-milliliter aliquot from the chloroform (lower) layer. Care must be exercised to see that no portion of the dye-glycerin-phase is included with the chloroform aliquot. Add 1.0 milliliter of acid-alcohol solution to this chloroform aliquot, mix well, and read the absorbancy at 535 mμ, using a 1-centimeter cell and a suitable photometer and using chloroform, similarly treated, as a blank. Prepare a standard curve, plotting the absorbance values of the standard solutions against the concentration expressed in micrograms per aliquot. Accurately weigh the sample to be tested to give 50 milligrams (estimated) of oleandomycin activity, dissolve in chloroform, and make to 200 milliliters with chloroform. Transfer 10.0 milliliters to a 100-milliliter volumetric flask and make to volume with chloroform. Transfer 5.0 milliliters to a glass-stoppered centrifuge tube and proceed as above. Determine the potency of the sample from the standard curve.

(ii) *Microbiological assay.* Proceed as directed in paragraph (c) (1) of this section, except prepare the sample as follows: Estimate the potency at 250 μg. per milligram. Dissolve sufficient sample in 80-percent isopropanol-water solution to give an estimated concentration of 1 milligram per milliliter. Further dilute in 0.1 *M* potassium phosphate buffer (pH 8.0) to give a final concentration of 5.0 μg. per milliliter (estimated).

(2) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of five mice within the weight range of 18 grams to 25 grams, 0.5 milliliter of a suspension containing 200 milligrams per milliliter in normal saline solution. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gram) each; if all animals survive the repeat test the sample is nontoxic.

(3) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a saturated aqueous-ethanol (1:1) solution prepared by adding 100 milligrams per milliliter.

(5) *Paper chromatograph method*—(i) *Apparatus and reagents*—(a) Chromatographic chamber (cylinder glass-stoppered museum jar 11.5 inches x 3.5 inches).

(b) Chromatographic paper (8 inches x 8 inches Whatman No. 1).

(c) 0.1 *N* hydrochloric acid.

(d) Resolving solvent: Butyl acetate, benzene, nitromethane, pyridine (5:5:5:1 by volume).

(e) Spray reagent: 15 grams antimony trichloride per 100 milliliters of chloroform.

(ii) *Procedure.* Dissolve the sample in chloroform to give a solution containing 10 milligrams to 20 milligrams per milliliter. Prepare a sheet of chromatographic paper by drawing a line of origin parallel to and 1 inch from the edge of the paper. Wet the paper thoroughly with the 0.1 *N* hydrochloric acid and blot it firmly between sheets of absorbent paper. Starting 2 inches in from the edge and at 1-inch intervals, apply 3 milliliters to 5 milliliters of the sample solutions to the starting line. Allow a few minutes for the paper to dry partially. While the paper is still damp, form a cylinder by bringing the outer edges together, allowing about 1-inch overlap, and secure with a paper clip. Stand the paper in the chromatographic chamber, which has been filled to a depth of ½-inch with the resolving solvent. After the solvent front rises to a height of 4 inches to 5 inches above the origin, remove the paper from the tank and hang it up to air dry. Spray the dried paper with the antimony trichloride reagent. Hang the paper in a 100° C. oven for 3 minutes. A purple spot becomes visible for triacetyloleandomycin at an R_f value of about 0.85. The approximate R_f values for diacetyloleandomycin, monoacetyloleandomycin, and oleandomycin are, respectively, 0.72, 0.27, and 0.13.

(6) *Acetyl determination*—(i) *Apparatus and reagents.* (a) One three-necked pyrex flask of approximately 45 milliliters capacity, pearshaped with T-joints, agar inlet tube, glass-stoppered funnel, glass condenser, and bubble counter.

(b) 50-milliliter Pyrex Erlenmeyer flask.

(c) 10-milliliter burette, calibrated in 0.02 milliliter.

(d) Anhydrous methanol, reagent grade.

(e) 2 *N* sodium hydroxide solution.

(f) Sulfuric acid solution prepared by adding 100 milliliters of concentrated H_2SO_4 to 200 milliliters of water.

(g) 1 *N* barium chloride solution.

(h) Phenolphthalein solution (1 percent in ethanol).

(i) Water-pumped nitrogen.

(j) NaOH solution, 0.015 *N*.

(ii) *Procedure.* Weigh accurately (to 0.01 milligram) approximately 30 milligrams of the sample into the three-necked acetyl flask. Add 2.0 milliliters of methanol to dissolve the sample, then add slowly with gentle swirling, 1.0 milliliter of NaOH solution. Connect the gas inlet tube with bubble counter attached, and adjust nitrogen flow to about two bubbles a second. Put glass-stoppered funnel in centerneck of acetyl flask and put about 5 milliliters of H_2O in the funnel. Add a boiling chip to the solution and attach condenser in the refluxing position with water cooling. Adjust burner flame under acetyl flask to reflux solution gently. Reflux for 30 minutes. Cool assembly slightly then rinse down condenser (still in reflux position) with a few milliliters of H_2O. Reassemble condenser to the distillation position and add water through the funnel to make a total of approximately 5 milliliters of H_2O added to acetyl flask. Adjust burner flame so that about 5 milliliters of H_2O and methanol is distilled over in approximately 10 minutes. Discard this distillate. Cool acetyl flask slightly. Acidify solution in flask by adding 1 milliliter of the sulfuric acid solution through the funnel. Adjust burner flame and distill over approximately 20 milliliters of distillate into an Erlemeyer flask in about 20 minutes, adding water through the funnel as necessary. It is important to keep the liquid volume in the acetyl flask around 2 milliliters to 3 milliliters in order to obtain a quantitative recovery of the acetic acid. Collect a second fraction of distillate, about 10 milliliters in volume. As the second fraction is distilling, process the first fraction. Heat the first fraction and boil gently about 20 seconds. Add a few drops of $BaCl_2$ solution to check if any sulfate was distilled over. If the sulfate is present, discard and repeat the whole determination. If the sulfate is absent, immediately titrate the solution with the 0.015 *N* NaOH solution to a faint pink endpoint, using one drop of phenolphthalein solution as the indicator. Repeat the above procedure with the second fraction. If the second fraction requires less than 0.10 milliliter of the 0.015 *N* NaOH solution and all the acetic acid has been distilled over, the determination is completed. If greater than this, collect a third fraction of approximately 10 milliliters and titrate this as before. Total volumes of NaOH used and calculate results as follows:

$$\frac{\text{Milliliters of NaOH} \times N\ \text{NaOH} \times 0.043 \times 100}{\text{Weight sample in grams}} = \text{Percent acetyl.}$$

2. Part 141c is amended by adding the following new section:

§ 141c.240 *Tetracycline - triacetyloleandomycin syrup (tetracycline-triacetyloleandomycin oral drops; tetracycline-triacetyloleandomycin homogenized mixture)*—(a) *Potency*—(1) *Tetracycline content.* Proceed as directed in § 141c.231 (a) (1), except prepare the sample as follows: Transfer an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and dilute to mark with 0.01 *N* HCl. Further dilute an aliquot of this solution with sufficient 0.1 *M* potas-

sium phosphate buffer (pH 4.5) to give a concentration of 0.24 μg. per milliliter (estimated). Its tetracycline content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(2) *Triacetyloleandomycin content.* Proceed as directed in § 141c.231 (d) (1) (i), except prepare the sample as follows: Transfer an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) to a glass-stoppered test tube (200 millimeters x 22 millimeters). Add 30 milliliters of chloroform and 20 milliliters of 1.0 *N* sodium hydroxide. Shake for 1 minute and centrifuge briefly to aid in the separation of the layers. Using a syringe and needle, remove and discard the aqueous layer. Repeat the washing with two more 20-milliliter portions of the sodium hydroxide solution. Filter the chloroform layer through a cotton pledget. Dilute an aliquot of the chloroform solution with chloroform to give a concentration of 25 μg. of oleandomycin activity per milliliter (estimated). Transfer a 5.0-milliliter aliquot to a 40-milliliter glass-stoppered centrifuge tube. Dilute to 20 milliliters with chloroform. Its triacetyloleandomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of five mice, within the weight range of 18 grams to 25 grams, not less than 0.5 milliliter containing 12.5 milligrams of tetracycline. Dilute the preparation with sterile distilled water, if necessary, to contain the quantity of drug per 0.5 milliliter. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals dies within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gram) each); if all animals survive the repeat test the sample is nontoxic.

(c) *pH.* Using the undiluted sample, proceed as directed in § 141a.5 (b) of this chapter.

3. In § 146c.204, the section headnote and paragraph (a) are amended to read as follows:

§ 146c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, tetracycline capsules and tetracycline phosphate complex capsules are capsules composed of crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, with or without one or more suitable sulfonamides, analgesic substances, antihistaminics, and with or without one or more suitable and harmless vitamin substances, buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings and glucosamine hydrochloride, enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, unless it is intended solely for veterinary use and is conspicuously so labeled. Its moisture content is not more than 2 percent if it contains chlortetracycline hydrochloride, not more than 3 percent if it contains tetracycline (not more than 9 percent if it contains sodium metaphosphate as a buffer substance), not more than 4 percent if it contains tetracycline hydrochloride, and not more than 9 percent if it contains tetracycline phosphate complex, except that in no case shall it be more than 3 percent if it contains vitamins. The chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). The tetracycline phosphate complex used conforms to the requirements of § 146c.232. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

4. Section 146c.231 is amended to read as follows:

§ 146c.231 *Capsules tetracycline and oleandomycin phosphate; capsules tetracycline and triacetyloleandomycin; capsules tetracycline hydrochloride and oleandomycin phosphate; capsules tetracycline hydrochloride and triacetyloleandomycin*—(a) *Standards of identity, strength, quality, and purity.* Capsules tetracycline and oleandomycin phosphate, capsules tetracycline and triacetyloleandomycin, capsules tetracycline hydrochloride and oleandomycin phosphate, and capsules tetracycline hydrochloride and triacetyloleandomycin are capsules that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline capsules and tetracycline hydrochloride capsules, except that:

(1) Each capsule contains not less than 30 milligrams of oleandomycin activity either as the phosphate salt or as triacetyloleandomycin. The oleandomycin phosphate or the triacetyloleandomycin used is the crystalline phosphate salt or the triacetyl ester of a kind of oleandomycin, produced by the growth of Streptomyces antibioticus. If oleandomycin phosphate is used, its potency is not less than 750 μg. per milligram; it is nontoxic; its moisture content is not more than 5.0 percent; its pH in a solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 6.0. If triacetyloleandomycin is used, its potency by chemical assay is not less than 760 μg. per milligram; by microbiological assay not less than 220 μg. per milligram and not more than 300 μg. per milligram. It is nontoxic; its moisture content is not more than 1.0 percent; its R_f value by paper chromatography is approximately 0.85. If more than one spot appears on the paper chromatogram, determine its acetyl value, which is not less than 15.3 percent and not more than 16.0 percent; its pH in a saturated aqueous alcohol solution containing 100 milligrams per milliliter is not less than 7.0 and not more than 8.5.

(2) The moisture content of the capsule is not more than 5 percent.

(3) In addition to the labeling prescribed for tetracycline capsules, or tetracycline hydrochloride capsules, each package shall bear on its label and labeling the number of milligrams of oleandomycin activity in each capsule of the batch. The expiration date of the drug shall be 24 months.

(4) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the oleandomycin phosphate or triacetyloleandomycin used in making the batch for potency, toxicity, moisture, pH, crystallinity, and R_f value and acetyl value if triacetyloleandomycin is used. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions or not less than 300 milligrams of the oleandomycin used in making the batch.

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (a) (4) of this section shall be:

(1) $4.00 for each immediate container of oleandomycin.

(2) $5.00 for each immediate container of triacetyloleandomycin.

(3) $1.00 for each capsule.

5. Part 146c is amended by adding the following new section thereto:

§ 146c.240 *Tetracycline-triacetyloleandomycin syrup (tetracycline-triacetyloleandomycin oral drops; tetracycline-triacetyloleandomycin homogenized mixture).* (a) Tetracycline-triacetyloleandomycin syrup conforms to all requirements and procedures prescribed by § 146c.217 for tetracycline syrup, except that:

(1) Each milliliter contains a quantity of triacetyloleandomycin equivalent to not less than 8.0 milligrams of oleandomycin activity, and a quantity of tetracycline equivalent to not less than 16.0 milligrams of tetracycline hydrochloride. The triacetyloleandomycin used conforms to the requirements of § 146c.231 (a) (1).

(2) It may contain glucosamine hydrochloride.

(3) Its pH is not less than 4.0 and not more than 7.0.

(4) In addition to the labeling prescribed for tetracycline syrup, each package shall bear on its label and labeling the number of milligrams of oleandomycin activity in each milliliter of the batch, and if it contains glucosamine hydrochloride, the name of that ingredient.

(5) In addition to complying with § 146c.217 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were pre-

viously submitted) the results and the date of the latest tests and assays of the triacetyloleandomycin used in making the batch for potency, toxicity, moisture, pH, crystallinity, R_f value, and acetyl value. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the triacetyloleandomycin used in making the batch.

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (a) (5) of this section shall be:

(1) $5.00 for each immediate container in the sample of the batch.

(2) $5.00 for each immediate container in the sample of triacetyloleandomycin used in making the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: January 13, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-393; Filed, Jan. 17, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 177—INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

On May 3, 1957, notice of proposed rule making regarding the regulations under the Federal Firearms Act (U. S. C., Title 15, Chapter 18) was published in the FEDERAL REGISTER (22 F. R. 3153). On July 10, 1957, notice of hearing regarding the proposal to amend and reissue regulations relating to interstate traffic in firearms and ammunition (26 CFR Part 177) was published in the FEDERAL REGISTER (22 F. R. 4851). A public hearing regarding the proposals was held on August 27 and 28, 1957, for the purpose of receiving oral testimony. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Subpart A—Introductory

Subpart B—Definitions

Subpart C—Licenses

Subpart D—Conduct of Business

Subpart E—Exemptions

Subpart F—Unlawful Acts

Subpart G—Penalties, Seizures and Forfeitures

AUTHORITY: §§ 177.1 to 177.102 issued under sec. 7, 52 Stat. 1252; 15 U. S. C. 907. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—INTRODUCTORY

§ 177.1 *Scope of regulations*—(a) *In general.* The regulations contained in this part relate to the traffic in firearms and ammunition under the Federal Firearms Act, as amended, and supersede Regulations 131 (26 CFR (1939) Part 315).

(b) *Procedural and substantive requirements covered.* This part contains the procedural and substantive requirements relative to:

(1) The licensing of manufacturers (including importers) of, and dealers in, firearms or ammunition;

(2) The conduct of business by licensees;

(3) The records required to be maintained by licensees;

(4) Interstate traffic in firearms and/or ammunition by persons specifically exempted from the provisions of the Federal Firearms Act; and to

(5) Prohibited acts generally.

(c) *Relation to other provisions of law.* The provisions of this part are in addition to, and not in lieu of, any other provision of law, or regulations, respecting traffic in firearms or ammunition. For regulations applicable to traffic in machineguns and certain other firearms, see Part 179 of this subchapter. For regulations applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war under section 414 of the Mutual Security Act of 1954, see 22 CFR Part 75.

§ 177.2 *Effective date.* The regulations contained in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER. This part shall not affect any act done or any liability incurred, or right accruing or accrued, or any suit or proceeding had or commenced, before such effective date.

SUBPART B—DEFINITIONS

§ 177.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart as follows:

Act. Means the Federal Firearms Act. (U. S. C., Title 15, Chapter 18).

Ammunition. Means only pistol or revolver ammunition; however, no distinction is recognized between "new" and "reloaded" ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Assistant Regional Commissioner. Means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the Regional Commissioner of Internal Revenue.

Commissioner. Means the Commissioner of Internal Revenue.

Crime of violence. Means murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(Sec. 1, 52 Stat. 1250, as amended; 15 U. S. C. 901)

Dealer. Means any person engaged in the business of selling firearms or am-

munition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms. (15 U. S. C. 901 (5))

Director. Means the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

District. Means the internal revenue district under the jurisdiction of a District Director of Internal Revenue.

District Director. Means the District Director of Internal Revenue.

Firearm. Means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

Fugitive from justice. Means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(Sec. 1, 52 Stat. 1250, as amended; 15 U. S. C. 901)

Importation. Means the bringing of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder, within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), for purposes of sale or distribution.

Importer. Means any person who engages in the importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder for purposes of sale or distribution.

Includes and including. When used in a definition or statement in this part shall not be deemed to exclude other things otherwise within the scope thereof.

Interstate or foreign commerce. Means (a) commerce between any State, Territory, or possession (not including the Canal Zone), or the District of Columbia, and any place outside thereof; (b) commerce between points within the same State, Territory, or possession (not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or (c) commerce within any Territory or possession or the District of Columbia.

License. Means a license issued under authority of section 3 (b) of the act.

(Sec. 3, 52 Stat. 1251; 15 U. S. C. 903)

License fee. Means the annual fee payable by a manufacturer of, or dealer in, firearms or ammunition.

Licensed dealer. Means a dealer licensed under section 3 of the act (15 U. S. C. 903).

Licensed manufacturer. Means a manufacturer or importer licensed under section 3 of the act (15 U. S. C. 903).

Manufacturer. Means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder, for purposes of sale or distribution.

Person. Includes an individual, partnership, association, or corporation.

Regional Commissioner. Means the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

Secretary. Means the Secretary of the Treasury.

United States. Means the States, Territories or possessions (except the Canal Zone) and the District of Columbia. For the purpose of the regulations in this part, a foreign trade zone established pursuant to the act of June 18, 1934 (48 Stat. 998) will have no special status but will be considered as an integral part of the United States.

SUBPART C—LICENSES

PERSONS REQUIRED TO PROCURE LICENSES

§ 177.20 *General.* Licensing requirements under the act are applicable to manufacturers, importers and dealers within the United States, or any Territory or possession (except the Canal Zone) under its control or jurisdiction, whose commercial operations include the transportation, shipment or receipt of firearms or ammunition in interstate or foreign commerce.

§ 177.21 *Manufacturer's license.* Any person engaged in the manufacture or importation of firearms (including any component part or appurtenance thereof) or ammunition or cartridge cases, primers, bullets, or propellent powder, for distribution at wholesale or retail, must obtain a Federal Firearms Act license as a manufacturer in order to lawfully transport, ship, or receive firearms or ammunition in interstate or foreign commerce. It is not necessary for a licensed manufacturer or importer to procure also a dealer's license. However, a person required to be licensed as a manufacturer does not comply with the provisions of the act respecting manufacturers merely by procuring a dealer's license.

§ 177.22 *Dealer's license.* Any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail; or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms, to firearms; or any person other than a licensed manufacturer engaged in the business of exporting firearms or ammunition, must obtain a Federal Firearms Act license as a dealer in order to lawfully transport, ship, or receive firearms or ammunition in interstate or foreign commerce.

§ 177.23 *Importer.* A person engaged in the importation of firearms or ammunition for sale or distribution is required to be licensed as a manufacturer even though he may not perform any manufacturing operations.

§ 177.24 *Gunsmith.* A person engaged in the business of repairing firearms, or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms, on an individual order basis, if not otherwise required to be licensed as a manufacturer, must be licensed as a dealer before he may lawfully transport, ship, or receive any firearm, including any part of such weapon, or ammunition in interstate or foreign commerce.

PERSONS NOT ENTITLED TO A LICENSE

§ 177.25 *Statutory restrictions.* A license shall not be issued to any person who is under indictment for, or has been convicted of a "crime of violence", or who is a "fugitive from justice", as defined in § 177.10. A license shall not be issued to any applicant within two years after the revocation of a previous license.

ISSUANCE OF A LICENSE

§ 177.26 *Application for an original license.* The application for an original license shall be made on Form 7 (Firearms), copies of which may be procured from any District Director of Internal Revenue. The application shall be filed with the District Director for the internal revenue district within which each place of business operated by the applicant is located. The application must contain all the information required by the form and must be accompanied by the appropriate license fee.

§ 177.27 *Application for renewal of license.* Prior to the expiration of a license, each licensee will receive a Form 8–A (Firearms) which should be executed and immediately returned with proper remittance to the District Director.

§ 177.28 *License fee.* In the case of a manufacturer (including importer) the license fee is $25 per annum, and in the case of a dealer, the license fee is $1 per annum.

§ 177.29 *Procedure by District Director.* Upon receipt of (a) a properly executed application for an original license on Form 7 (Firearms), or (b) a properly executed application for renewal of a license on Form 8–A (Firearms), accompanied by the required license fee, the District Director may make such inquiry as deemed necessary to determine the bona fides of the applicant. Upon determination that the applicant is lawfully entitled to a license, the District Director will issue such applicant a license on Form 8 (Firearms). Each license will bear an individual serial number and such number will be permanently assigned the licensee to whom issued for so long as he maintains continuity of annual renewal.

§ 177.30 *Cancellation of license.* The District Director may cancel as null and void ab initio the license of any person shown by investigation and competent evidence to be or to have been in any one of the prohibited classes referred to in § 177.25, provided (a) the licensee is notified by registered mail, directed to his last known address, of the intention of the District Director to cancel the license, (b) such notification is accompanied by a statement of the reason or reasons for the proposed cancellation, and (c) the licensee is given an opportunity to show cause within 20 days after

such notification is mailed why the license should not be canceled. If the licensee fails so to show cause the license will be canceled and the licensee will be so notified by registered mail.

SCOPE AND DURATION OF LICENSE

§ 177.31 *General.* A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the act, for a period of one year from the date of issuance, subject, however, to suspension or revocation of the license at any time if the licensee is convicted of violation of any of the provisions of the act (see §§ 177.38 to 177.44), and to administrative cancellation of the license (see § 177.30). A license shall not be issued in any case for a period of less than one year.

§ 177.32 *License cannot be assigned or transferred.* A Federal Firearms Act license is not assignable or transferable under any circumstances and is valid only with respect to the operations of the person to whom issued.

§ 177.33 *Locations covered by license.* The license applies to the operations of the licensee at a specific location. Accordingly, a separate license must be obtained for each place at which the business of importing, manufacturing, selling, or distributing firearms or ammunition is conducted. However, no license is required to cover a separate warehouse used by a licensee solely for temporary storage of firearms or ammunition, provided appropriate records are maintained at the licensed premises served by such warehouse to show the receipt and disposition of such articles.

§ 177.34 *Removal of licensee.* A licensee may remove his business to a new location without procuring a new license. However, in every case, whether or not the removal is from one internal revenue district to another, prompt notification of the new location of the business must be given to:

(a) The District Director for the internal revenue district wherein the current license was originally issued;

(b) The District Director for the internal revenue district from which or within which the removal is made; and

(c) The District Director for the internal revenue district to which the removal is made.

In each instance the license must be submitted for endorsement to the District Director having jurisdiction over the internal revenue district to which removal is made. After endorsement of the license to show the new address, and the new license number, if any, the District Director will return the license to the licensee.

§ 177.35 *Discontinuance of business.* If a licensee permanently discontinues business, at any place of business, prompt notification thereof must be given to the District Director for the internal revenue district in which such business is discontinued. (See also § 177.51.)

§ 177.36 *State or other law.* The license confers no right or privilege to conduct business contrary to State law or other law. The holder of a license is not, by reason of such license, immune from punishment for dealing in firearms or ammunition in violation of the provisions of any State law or other law. Similarly, compliance with the provisions of any other law affords no immunity under the act.

§ 177.37 *License fee not refundable.* No refund of any part of the amount paid as a license fee shall be made where, for any reason, a licensee discontinues operations prior to the expiration of the period covered by the license. No refund shall be made if the license is suspended or revoked because of violation by the licensee of any provision of the act.

SUSPENSION AND REVOCATION OF LICENSE

§ 177.38 *General.* Section 3 (c) of the act (15 U. S. C. 903 (c)) provides that whenever any licensee is convicted of a violation of any of the provisions of the act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction, and that the Secretary shall suspend the license during the period of appeal, if an appeal is noted, unless the required $1,000.00 bond is furnished by the licensee and he otherwise qualifies for continuance in business during the pendency of the appeal, and shall revoke the license if no appeal is noted or the conviction is not reversed on appeal. Accordingly, the Director, pursuant to the authority delegated to him to administer and enforce the act will proceed as provided in §§ 177.39 through 177.44, when notification of conviction of a licensee is received by him from the Secretary or otherwise.

§ 177.39 *Notice of suspension.* Upon receipt by the Director of notice of the conviction of a licensee of violation of any provision of the act, the Director shall immediately notify the licensee, by registered letter addressed to his last known address, that pursuant to requirements of the law his license stands suspended during the period in which an appeal from the conviction can be taken, and that if an appeal is taken within the required time the license will stand suspended until final action on the appeal. The licensee will also be notified by the Director that if no appeal from the conviction is taken within the required appeal time, or if upon timely appeal the conviction is not reversed, the license will be revoked. The licensee will also be notified by the Director that if he desires to continue in business during any period of suspension of the license he may do so only upon compliance with § 177.40.

§ 177.40 *Continuing business during appeal period and during pendency of appeal taken from conviction*—(a) *Application.* A licensee whose license is suspended on account of a conviction of violation of any provision of the act and who desires permission to continue in business during the appeal period and during the pendency of an appeal from such conviction shall file an application with the Director for such permission. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and fully set forth the grounds on which the application is based. The application shall be accompanied by a bond, running to the United States, in the penal sum of $1,000. The condition of the bond shall be that, until final disposition of the appeal, the licensee will comply in every respect with all the provisions of the act. As soon as possible after the receipt of the application and bond, the Director shall notify the applicant that, by direction of the Secretary, his application has been granted or denied, as the case may be.

(b) *Denial of application.* An application for permission to continue in business during the appeal period and during the pendency of an appeal from a conviction of violation of any provision of the act shall not be granted if on the facts of the case the applicant would not then be entitled to a license were he applying for a license (see § 177.25).

§ 177.41 *Duration of suspension.* In every case, the suspension of a license shall remain in effect until final action is taken upon the application, if made, for permission to continue in business during the appeal period and during the pendency of an appeal from the conviction. If such application is granted, the suspension is set aside until expiration of the appeal period without appeal being taken, thus necessitating revocation of the license; or, if an appeal is taken, until final action upon the appeal, at which time the case will be disposed of according to the outcome of the appeal.

§ 177.42 *Renewal of license during pendency of appeal.* The granting of an application to continue in business, as provided in § 177.40, does not extend the term of the license. If a license expires in the meantime, the licensee must procure a new license if he desires to continue to transport, ship, or receive firearms or ammunition in interstate or foreign commerce. The new license shall stand in place of, and be subject to the same conditions as, the old license, and the new license shall be subject to revocation if the conviction is not set aside.

§ 177.43 *Revocation of license.* If upon appeal the conviction of a licensee of violation of any provisions of the act is not set aside, or if no appeal is filed, his license shall be immediately revoked pursuant to the provisions of section 3 (c) of the act and the Director shall immediately notify such person thereof by registered letter addressed to his last known address.

§ 177.44 *New license after revocation.* A person whose license has been revoked for violation of any provision of the act may, if otherwise entitled to a license (see § 177.25), again be licensed to transport, ship, or receive firearms or ammunition in interstate or foreign commerce, but not until the expiration of two years from the date of the revocation of the previous license. In such case, the application for the new license shall be filed with the District Director in

accordance with the provisions of § 177.26.

SUBPART D—CONDUCT OF BUSINESS

§ 177.50 *Identification of firearms.* Each licensed manufacturer and importer of a firearm produced on and after July 1, 1958, shall identify it by stamping (impressing), or otherwise conspicuously placing or causing to be stamped (impressed) or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name of the manufacturer or importer, and the serial number, caliber, and model of the firearm. However, where imported firearms are identified by the foreign manufacturer in a manner prescribed in the foregoing sentence, additional stamping will not be required if the information prescribed by this section appears. However, individual serial numbers and model designation will not be required on any shotgun or .22 caliber rifle unless such shotgun or rifle also is subject to the provisions of the National Firearms Act.

§ 177.51 *Firearms records.* Each licensed manufacturer or dealer shall maintain complete and adequate records reflecting the production or receipt (whether by importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition, but not including miscellaneous parts thereof) physically or constructively received or disposed of in the course of his business. Entries in such records shall be posted at the time of each transaction, or in each instance not later than the close of business on the day next succeeding the day on which the transaction occurs. The records prescribed by this section shall be in permanent form, and shall be retained on the business premises for a period of not less than 10 years from the date the transaction occurs or until discontinuance of business by the licensee. Where the business is discontinued and succeeded by a new licensee, the records will appropriately reflect such facts and will be delivered to the successor. Where discontinuance of the business is absolute, the records will appropriately reflect that fact and should be delivered to the Director for disposition. The records will show and include:

(a) A full and adequate description of each firearm, including (1) the manufacturer thereof; (2) the manufacturer's serial number stamped thereon; (3) the caliber or gauge of the firearm; (4) the model and type of firearm; and

(b) The name and address of each person from whom each firearm (if not the manufacturer's own product) was received together with the date of acquisition; and

(c) The disposition made of each firearm including the name and address of the person to whom sold and the date of disposition.

Except as hereinafter provided, the prescribed format for the firearms record is as follows:

A B C Firearms Company, 123 Fourth Street, Baltimore, Md.
Manufacturer of Firearms—Federal Firearms Act License No. 58-1

Description of firearm					Receipt		Disposition	
Manufacturer	Serial No.	Caliber or gauge	Model	Type	Date	From whom (name and address or FFA license No.)	Date	To whom (name and address or FFA license No.)

Nothing contained in this section shall be construed to preclude the utilization of complete and adequate commercial invoices, or comparable business machine methods of recording transactions, in lieu of records in the format prescribed, or to prevent the microfilming of records for retention purposes; provided, all the information required by this section is included in said invoices, etc., and is readily available upon appropriate request.

§ 177.52 *Transactions between licensees.* Where firearms are transferred between licensees, the Federal Firearms Act license number of the transferor or the transferee, as the case may be, may be entered in the records in lieu of the exact name and address of such transferor or transferee.

§ 177.53 *Over-the-counter transactions.* The purchase or sale of any firearm by a licensee under the Federal Firearms Act is subject to all applicable Federal requirements. Accordingly, complete and accurate information regarding the purchase or sale of any firearm in an over-the-counter transaction by a Federal Firearms Act licensee shall be duly recorded in the records prescribed by this subpart. (See also § 177.36.)

§ 177.54 *Authority to examine records, etc.* All records required to be kept under the provisions of this part, and all firearms required to be shown in such records, shall be subject to inspection by internal revenue officers during regular business hours or, if regular business hours are not maintained, upon demand during the daytime.

§ 177.55 *Prohibited transactions.* To avoid transactions in violation of the Federal Firearms Act, licensees should be guided by the provisions of Subpart F of this part.

§ 177.56 *Variations from requirements.* Upon application by a licensed manufacturer or dealer the Director may approve methods and procedures other than those provided for by this part where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, and is not contrary to any provision of law.

SUBPART E—EXEMPTIONS

§ 177.70 *General.* The provisions of the act do not apply:

(a) With respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of—

(1) The United States or any department, independent establishment, or agency thereof;

(2) Any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof;

(3) Any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof;

(4) Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, provided exemption is granted as prescribed in § 177.71; and

(5) Any research laboratory designated under § 177.72 and granted exemption thereunder; or

(b) With respect to:

(1) The transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces; and

(2) Shipment of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of the Army, or the Secretary of the Air Force, and the transportation of such firearms and ammunition by their lawful possessors while they are engaged in military training or in competitions.

§ 177.71 *Bank, public carrier, express, or armored-truck company.* Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, may procure an exemption upon application to the District Director for each district within which a place of business is located. Such application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and show the character of the business of the applicant and the purposes for which the exemption is requested. If the application and the purposes stated are bona fide, the exemption shall be granted. In all cases, as soon as possible after the receipt of the application, the District Director shall notify the applicant by letter that, by direction of the Secretary, the exemption is granted or denied, as the case may be.

§ 177.72 *Research laboratory.* A research laboratory desiring to procure an exemption under this subpart shall file an application with the Director. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and shall show (a) by whom

and the purpose for which the laboratory was organized, (b) the source of the funds expended for the maintenance and operations of the laboratory, (c) the services performed by, and the operations of, the laboratory, and (d) the purposes for which the exemption is requested. The Director shall notify the applicant that, by direction of the Secretary, the application is granted, or denied, as the case may be.

SUBPART F—UNLAWFUL ACTS

§ 177.80 *License to operate.* It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.81 *Transactions involving unlicensed operators.* It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of section 2 (a) of the act (15 U. S. C. 902 (a)), knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of said section.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.82 *Transactions in violation of State law.* It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a (State) license be obtained for the purchase of such firearm, unless such (State) license is exhibited to such manufacturer or dealer by the prospective purchaser.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.83 *Interstate deliveries to felons, etc.* It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions, or the District of Columbia of a crime of violence or is a fugitive from justice.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.84 *Interstate transportation by felons, etc.* It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.85 *Receipt by felons, etc.* It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of the act.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.86 *Interstate transportation of stolen firearms or ammunition.* It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.87 *Receipt, etc., of stolen firearms or ammunition.* It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.88 *Removal, etc., of manufacturer's serial number.* It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of the act.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

SUBPART G—PENALTIES, SEIZURES AND FORFEITURES

§ 177.100 *Penalties.* Section 5 (a) of the act (15 U. S. C. 905 (a)), provides certain penalties for violation of the provisions of the act or the regulations in this part, and for knowingly making any false statement in applying for a license or exemption. With respect to transactions and dealings declared unlawful and in violation of the act, see section 2 of the act (15 U. S. C. 902).

§ 177.101 *Seizure and forfeiture.* Pursuant to section 5 (b) of the act (15 U. S. C. 905 (b)), any firearm or ammunition involved in any violation of the act or of the regulations in this part is subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms as defined in section 5848 of such Code, so far as applicable, extend to seizures and forfeitures incurred under the provisions of the act.

§ 177.102 *Disposition after forfeiture.* Any firearm or ammunition forfeited by reason of a violation of the act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be delivered to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: January 14, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-400; Filed, Jan. 17, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1575]

[2056920]

ARIZONA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 317 OF APRIL 15, 1946, AS AMENDED

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 317 of April 15, 1946, as amended, by Public Land Order No. 922 of October 20, 1953, which withdrew public lands in Arizona for development under the small tract law, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 26, S½;
Sec. 28, N½, N½SE¼ and NE¼SW¼;
Sec. 29, N½.
T. 15 S., R. 12 E.,
Sec. 4, Lots, 3, 4 and S½NW¼;
Sec. 5, Lots, 3, 4, S½NW¼ and SW¼;
Sec. 7, N½SE¼;
Sec. 8, SW¼.

The areas described aggregate 1802.43 acres.

2. The lands are located near Tucson, Arizona. The soil is of a gravelly loam character with many rocky outcroppings. The vegetation is typical of the southwestern desert region.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights, the provisions of Paragraph 7, infra, and the requirements of applicable law, the lands are hereby opened to filing of ap-